

**UNITED STATES DISTRICT COURT**

**EASTERN DISTRICT OF CALIFORNIA**

OMAR SEGURA,

Plaintiff,

v.

COELHO,

Defendant.

Case No. 1:23-cv-00780-JLT-BAM (PC)

**ORDER GRANTING DEFENDANT'S  
MOTION TO MODIFY DISCOVERY AND  
SCHEDULING ORDER**

(ECF No. 42)

**Dispositive Motion Deadline: May 14, 2025**

Plaintiff Omar Segura ("Plaintiff") is a former state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff's first amended complaint against Defendant Coelho ("Defendant") for excessive force in violation of the Eighth Amendment.

Pursuant to the Court's June 3, 2024 discovery and scheduling order, the deadline for filing all dispositive motions (other than a motion for summary judgment for failure to exhaust) is April 14, 2025. (ECF No. 34.)

Currently before the Court is Defendant's April 11, 2025 motion to modify the discovery and scheduling order to extend the deadline to file dispositive motions by thirty days. (ECF No. 42.) In support of the motion, Defendant states that good cause exists to extend the dispositive motion deadline because although the case did not settle at previous settlement conference, the parties have met and conferred throughout the discovery process and at most of those meetings have discussed the possibility of settlement. Most recently, the parties met and conferred regarding settlement on April 3, 2025, and April 10, 2025. Based on the previous settlement conference and these last meetings, defense counsel believes that an informal resolution through settlement is possible before either party needs to file a dispositive motion. However, the parties

1 need additional time to exhaust these discussions. A resolution through settlement before briefing  
2 on dispositive motions would save valuable time, resources, and expenses, and is in the interest of  
3 judicial economy. However, if resolution is not possible, the parties will need a short period of  
4 time to complete and file any dispositive motion. When the parties discussed the need to file an  
5 extension to pursue further settlement discussions, Plaintiff agreed and stated that he would not  
6 oppose the instant request. (*Id.*)

7 Plaintiff has not yet had an opportunity to file a response, but the Court finds a response is  
8 unnecessary. The motion is deemed submitted. Local Rule 230(l).

9 Having considered the request, the Court finds good cause to grant the requested  
10 extension of the dispositive motion deadline. Fed. R. Civ. P. 16(b)(4). The parties are engaged in  
11 active settlement discussions that may resolve this action before the filing of dispositive motions.  
12 The Court finds that in light of the declaration of defense counsel that Plaintiff agreed to the  
13 requested extension of time, Plaintiff will not be prejudiced by the extension granted here.

14 The parties are reminded that they may inform the Court at any time if a formal settlement  
15 conference with judicial assistance would assist with their settlement negotiations.

16 Accordingly, IT IS HEREBY ORDERED as follows:

- 17 1. Defendant's motion to modify discovery and scheduling order, (ECF No. 42), is  
18 GRANTED;
- 19 2. The deadline for filing all dispositive motions (other than a motion for summary judgment  
20 for failure to exhaust) is EXTENDED from April 14, 2025 to **May 14, 2025**; and
- 21 3. **Any request for further extensions of this deadline must be filed on or before the**  
22 **expiration of the deadline and will only be granted on a showing of good cause.**

23  
24 IT IS SO ORDERED.

25 Dated: April 11, 2025

26 /s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE